

## CURTIS J. FARBER

Attorney at Law

350 Broadway, 10<sup>th</sup> Floor  
New York, NY 10013  
Tel: (212) 334-4466  
Fax: (212) 226-3224  
curtisfarber@mindspring.com

January 30, 2008

Ms. Emily Frankelis  
Senior US Probation Officer  
U.S Probation Office – SDNY  
500 Pearl Street  
New York, New York 10007-1312

RE: United States v. Marvin Falikovic  
07 Cr. 906 (NRB)

Dear Ms. Frankelis:

With regard to the above-referenced matter, please note that the defendant has several objections to the initial draft of the Pre-sentence Report dated January 24, 2008. These objections are delineated below:

1. With regard to paragraph 13, defense notes that although Mr. Falikovic paid dues to have access to the subject website, he, within a short period of time, ceased visiting that site. Further, at the end of his membership term, he did not renew.

Further, Mr. Falikovic denies that he informed the interviewing agent that he had viewed the subject video clip as recently as one week prior to its discovery.<sup>1</sup> Indeed, although Mr. Falikovic candidly admitted downloading that image, he states that he did not remember that the clip was still there. As you are aware, this clip was “unmarked” in Mr. Falikovic’s document’s file, as opposed to being specifically highlighted or placed in a particular sub file.

2. In paragraph 44, you indicate that based on the date that appears on the copy of the Order of Protection the defense provided, you believe the incident involving his wife occurred in 2006. This is incorrect. The copy of the Order of Protection provided to you was a

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<sup>1</sup> I respectfully note that the accuracy of other statements attributed to Mr. Falikovic have proven to be erroneous.

renewal, the original having been issued in 2005.<sup>2</sup> This is verified by the fact that the criminal case against Ladda Sornsuntorn was assigned a 2005 docket number, 2005NY036628.

Thank you for your attention to these comments.

Very truly yours,

Curtis Farber

cc: AUSA David O'Neil

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<sup>2</sup> The bottom, right side, of the copy of the Order of Protection provided, indicates that this Order was issued on the date Ms. Sornsuntorn failed to appear and a warrant was issued for her arrest.